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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Shiang-Yau Liang

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01/25/2005

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EXAMINER

SAFAIPOUR, HOUSHANG

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/825,849

Applicant(s)

LIANG ET AL.

Examiner

Houshang Safaipoor

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Applicant's amendment filed on September 2, 2004 have been fully considered and made of record.

Claims 1-14 have been cancelled. New claims 15-18 have been added.

Specification

The examiner maintains his objection to the disclosure because some of the sentences used **throughout the specification** are still not in proper English. For example:

Page 6 the word “concludes” has been used instead of “includes” (paragraphs 5 & 6).

Page 7, third paragraph:

When scan process starts, **loading system will move** along with first path 45, from original position 41 to starting scan position 42 in the increment speed. **At this path, due to only the loading system is removed and without scan operation, the CO of CMC table will be selected.**

Page 7, fourth paragraph:

The data of CO is (00, 1, 0), **it shows all system situation is controlled under without optical sensitizing and under driving motor as well as not checking register. At this increment speed path, the motor control will be depended on motor speed according to M0, M1, M2, M3 until to M4. (Meanwhile it arrives starting position 42, therefore M4 is also called as scanning speed).** Such paragraphs, sentences and phrases throughout the specification need to be clarified.

Appropriate correction is required.

Response to Argument

The following is the response to applicant's arguments.

Applicant argues that "Particularly, in Gatto et al., there is no suggested parameters to bypass checking register, motor, etc.". The new claim 15 recites "controlling parameters of color setting, a driving motor and register checking". "Bypassing checking register" is not claimed in claim 15 and controlling parameters is addressed by Gatto et al. in col. 8, lines 1-32. Gatto et al. further discloses the controlling tables maintained in memory for controlling the image sensor based on the mode selected (col. 12, lines 44-65). Therefore, examiner rejects claim 15 by applying the Gatto et al. as previously used to reject original claim 1. Applicant further argues that "sensitizing the optical sensor" is not disclosed by Gatto et al. Please refer to rejections of claims 16-18, below, for the response to this argument.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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Claim 15 is rejected under 35 U.S.C. 102(e) as being anticipated by Gatto et al. (U.S. Patent No. 6,344,906).

Regarding claim 15, Gatto et al. discloses a method of controlling a scanning operation, comprising the steps of:

setting scan parameters, which include an original position, a scan position, and an ending position of said scanning operation (col. 6, lines 9-43);

loading a first control table, which includes controlling parameters of color setting, a driving motor and register checking (col. 13, lines 13-65);

loading a second control table, which includes setup parameters for increasing motor speed, reducing motor speed and maintaining a uniform motor speed in said scanning operation (col. 14, lines 5-24);

executing said first control table and said second control table to move a conveying system; conveying an optical sensor by said conveying system at said uniform motor speed from said original position to said ending position, and returning said optical sensor and said conveying system back to said original position when said scanning operation is completed (fig. 2, col. 8, lines 33-67, col. 12, lines 44-65 and col. 13, line 42 through col. 14, line 12).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 16-18, (limitations concerning “not checking optical sensors”, “sensitizing red (green) data” and “not optical sensitizing”) are rejected under 35 U.S.C. 112, first paragraph, as

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containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. (Merriam-Webster's Dictionary, tenth edition, defines "sensitizing" as to "make sensitive or hypersensitive").

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (703)306-4037. The examiner can normally be reached on Mon.-Thurs. From 6:30am to 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles, Sr. can be reached on (703)305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Houshang Safaipoor
Patent Examiner
Art Unit 2622
January 21, 2005

